



Our Docket No: 01-00008

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Patent Application of: )

John Stuelpnagel et al. )

Serial No.: 10/767,476 )

Filed: January 28, 2004 )

For: COMPOSITE ARRAYS UTILIZING )  
MICROSPHERES WITH A )  
HYBRIDIZATION CHAMBER )

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

**MAILING LABEL**

DATE OF DEPOSIT: March 12, 2004

I hereby certify that this correspondence, and listed enclosures, is being deposited with the United States Postal Services in a package addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signed: Rosalyn M. Espejo

Rosalyn M. Espejo

**INFORMATION DISCLOSURE STATEMENT AND STATEMENT OF  
RELATEDNESS**

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In satisfaction of the duty of disclosure under 37 C.F.R. § 1.56, and in accordance with the provisions of 37 C.F.R. §§ 1.97 and 1.98, Applicants wish to draw the attention of the U.S. Patent and Trademark Office to the references cited on the accompanying substitute form PTO/SB/08A and PTO/SB/08B. Copies of the cited references were provided either by Applicants or by the Examiner in the U.S. Application Serial No. 09/606,369 (filed June 28, 2000), and 09/473,904 (filed December 28, 1999) to which the



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present application claims priority under 37 C.F.R. § 1.53(b). In accordance with 37 C.F.R. § 1.98(d), copies of these references are not enclosed.

None of the foregoing references are believed to disclose the invention as claimed. Nothing herein shall constitute an admission concerning the contents of any of the cited references, nor shall the inclusion of a reference herein be considered an admission that the reference constitutes prior art against the invention claimed in the above-identified application. Submission of the present document shall not be construed as an admission that a search has been made or that better art does not exist.

This Information Disclosure Statement is being filed within three months of the filing date of a national application, within three months of the date of entry of a national stage, or before the mailing of a first Office Action on the merits in accordance with 37 C.F.R. § 1.97(b), and therefore no fee is required. The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 502690 (Our Order No. 01-00008).

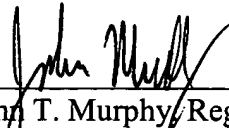
Please address all correspondence to:

John T. Murphy  
Illumina, Inc.  
9885 Towne Centre Dr.  
San Diego, CA 92121-1975

(Customer No. 29389)

Respectfully submitted,

Date: March 12, 2004

  
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John T. Murphy/Reg. No. 50,583  
Patent Agent



<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				Substitute for form 1449/PTO	
				Complete if Known	
				Application Number	10/767,476
				Filing Date	01/28/2004
				First Named Inventor	Stuelpnagel et al.
				Art Unit	To be assigned
				Examiner Name	To be assigned
Sheet	1	of	11	Attorney Docket Number	01-00008

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number/Kind Code <sup>2</sup>	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	4,200,110	4/29/1980	Peterson	
	2	4,499,052	2/12/1985	Fulwyler	
	3	4,672,040	6/9/1987	Josephson	
	4	4,682,895	7/28/1987	Costello	
	5	4,785,814	11/22/1988	Kane	
	6	4,822,746	4/18/1989	Walt	
	7	4,824,789	4/25/1989	Yafuso	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup>	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
	8	EP 0 269 764	06/08/1988	Molecular Biosystems, Inc.		
	9	WO-89/11101	11/16/1989	Dynal A.S.		
	10	EP 0 392 546	10/17/1990	Ro Institut Za Molekularnu Genetiku I Geneticko Inzenjerstvo		
	11	EP 0 478 319	04/01/1992	Kabushiki Kaisha Toshiba		
	12	WO-93/02360	02/07/1993	Trans-Med Biotech, Inc.		
	13	WO-93/06121	04/01/1993	Affymax Technologies		
	14	WO-96/03212	02/08/1996	Sydney Brenner		
	15	EP 0 723 146	07/24/1996	SRI International		
	16	WO-97/14028	04/17/1997	Luminex Corp.		
	17	WO-97/14928	04/24/1997	Norman Brint		
	18	WO-97/33737	09/18/1997	Pres. and Fellows of Harvard College		
	19	WO-97/40385	10/30/1997	Michael Seul		

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	20	4,999,306	3/12/1991	Yafuso	
	21	5,002,867	3/26/1991	Macevicz	
	22	5,028,545	7/2/1991	Soini	
	23	5,105,305	4/14/1992	Betzig	
	24	5,114,864	5/19/1992	Walt	
	25	5,132,242	7/21/1992	Cheung	
	26	5,143,853	9/1/1992	Walt	

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	27	WO-98/08092	02/26/1998	SmithKline Beecham Corporation		
	28	WO-98/29736	07/09/1998	Genometrix Inc.		
	29	WO-98/40726	09/17/1998	Trustees of Tufts College		
	30	WO-98/50782	11/12/1998	Trustees of Tufts College		
	31	WO-98/53300	11/16/1998	Lynx Therapeutics		
	32	WO-98/53093	11/26/1998	Bioarray Solutions LLC and Rutgers, the State University of New Jersey		
	33	WO-99/05320	02/04/1999	Rapigene, Inc.		
	34	WO-99/18434	04/15/1999	Trustees of Tufts College		
	35	WO-99/60170	11/25/1999	Hyseq, Inc.		
	36	WO-99/67414	12/29/1999	Glaxo Wellcome Inc.		
	37	WO-00/04372	01/27/2000	The Board of Regents, the University of Texas System		
	38	WO-00/13004	03/09/2000	Trustees of Tufts College		

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	39	5,143,854	9/1/1992	Pirrung	
	40	5,194,300	3/16/1993	Cheung	
	41	5,244,636	9/14/1993	Walt	
	42	5,244,813	9/14/1993	Walt	
	43	5,250,264	10/5/1993	Walt	
	44	5,252,494	10/12/1993	Walt	
	45	5,254,477	10/19/1993	Walt	

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	46	WO-00/16101	03/23/2000	Trustees of Tufts College		
	47	WO-00/48000	08/17/2000	Illumina, Inc.		

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	48	5,298,741	3/29/1994	Walt	
	49	5,302,509	4/12/1994	Cheeseman	
	50	5,320,814	6/14/1994	Walt	
	51	5,357,590	10/18/1994	Auracher	
	52	5,380,489	1/10/1995	Sutton	
	53	5,435,724	7/25/1995	Goodman	
	54	5,445,970	8/29/1995	Rohr	

## FOREIGN PATENT DOCUMENTS

[illegible]

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	55	5,481,629	1/2/1996	Tabuchi	
	56	5,494,798	2/27/1996	Gerdts	
	57	5,496,997	3/5/1996	Pope	
	58	5,512,490	4/30/1996	Walt	
	59	5,516,635	5/14/1996	Ekins	
	60	5,518,883	5/21/1996	Soini	
	61	5,545,531	8/13/1996	Rava	

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	69	5,690,894	11/25/1997	Pinkel	
	70	5,814,524	9/29/1998	Walt	
	71	5,837,196	11/17/1998	Pinkel	
	72	5,840,256	11/24/1998	Demers	
	73	5,854,684	12/29/1998	Stabile	
	74	5,863,708	1/26/1999	Zanzucchi	
	75	5,863,722	1/26/1999	Brenner	

[illegible]

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	76	5,874,219	2/23/1999	Rava	
	77	5,888,723	3/30/1999	Sutton	
	78	5,900,481	5/4/1999	Lough	
	79	6,023,540	2/8/2000	Walt	

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NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	80	ABEL et al., "Fiber-Optic Evanescent Wave Biosensor for the Detection of Oligonucleotides," Analytical Chemistry, 68:2905 - 2912 (1996).	
	81	ANONYMOUS, "Fluorescent Microspheres," Tech. Note 19, Bangs Laboratories, (Fishers, IN) (1997).	
	82	ANONYMOUS, "Microsphere Selection Guide," Bangs Laboratories, (Fisher, IN) (1998).	
	83	BANGS, L. B., "Immunological Applications of Microspheres," The Latex Course, Bangs Laboratories (Carmel, IN) (1996).	
	84	BARNARD et al., "A Fibre-Optic Chemical Sensor with Discrete Sensing Sites," Nature, 353:338 - 340 (1991).	
	85	CZARNIK, A., "Illuminating the SNP Genomic Code," Modern Drug Discovery, 1:49 - 55 (1998).	
	86	DRMANAC, R. et al., "Prospects for a Miniaturized, Simplified and Frugal Human Genome Project," Scientia Yugoslavica, 16:97 - 107 (1990).	
	87	DRMANAC, R. et al., "Sequencing by Hybridization," Automated DNA Sequencing and Analysis, ed. M. Adams, C. Fields and J. Venter (1994).	
	88	DRMANAC, R. et al., "Sequencing by Hybridization (SBH) with Oligonucleotide Probes as an Integral Approach for the Analysis of Complex Genomes," International Journal of Genome Research, 1:59 - 79 (1992).	
	89	DRMANAC, R. et al., "Sequencing by Oligonucleotide Hybridization: A Promising Framework in Decoding of the Genome Program," The First International Conference of Electrophoresis, Supercomputing and the Human Genome, Proceedings of the April 10-13, 1990 Conference at Florida State University. Ed. C. Cantor and H. Lim (1990).	
	90	FERGUSON et al., "A Fiber-Optic DNA Biosensor Microarray for the Analysis of Gene Expression," Nature Biotechnology, 14:1681 - 1684 (1996).	

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				Complete if Known	
				Application Number	10/767,476
				Filing Date	01/28/2004
				First Named Inventor	Stuelpnagel et al.
				Art Unit	To be assigned
Examiner Name	To be assigned				
Sheet	10	of	11	Attorney Docket Number	01-00008

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	91	FUH et al., "Single Fibre Optic Fluorescence pH Probe," Analyst, 112:1159 - 1163 (1987).	
	92	HEALEY et al., "Development of a Penicillin Biosensor Using a Single Optical Imaging Fiber," SPIE Proc., 2388:568 - 573 (1995).	
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